

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

**STIPULATION AND
[PROPOSED] ORDER
REGARDING LEAVE TO FILE
SECOND AMENDED
COMPLAINT**

This stipulation is entered into between Plaintiff The New York Times Company (“The Times”) and Defendants OpenAI and Microsoft Corporation, collectively referred to as the “Parties.”

WHEREAS, Defendants filed their motions to dismiss The Times’s First Amended Complaint, Dkts. No. 51, 64;

WHEREAS, the Court issued an opinion granting in part and denying in part Defendants’ motions to dismiss The Times’s First Amended Complaint, Dkt. 514;

WHEREAS, The Times filed its Motion for Leave to File Second Amended Complaint on April 15, 2025, in which it solely amended its 17 U.S.C. § 1202(b)(1) claim against OpenAI to mirror the *Daily News* and *CIR* complaints’ “allegations regarding OpenAI’s removal of CMI during the process of developing its LLM training datasets”—in light of the Court’s order on Defendants’ motion to dismiss, Dkt. 524;

WHEREAS, Defendants do not oppose The Times's Motion for Leave to File Second Amended Complaint;

NOW THEREFORE, the Parties stipulate that, upon the Court's approval of the stipulation:

- 1) The Times's Motion for Leave to File Second Amended Complaint is hereby GRANTED.
- 2) The Times's request that its Exhibits at ECF Nos. 170–202 are incorporated by reference into its Second Amended Complaint is hereby GRANTED.

Dated: May 27, 2025

/s/ Ian Crosby

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Dated: May 27, 2025

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[PROPOSED] ORDER

Pursuant to stipulation of the parties, the Court hereby **ORDERS**:

1. The Times's Motion for Leave to File Second Amended Complaint is hereby GRANTED. The Second Amended Complaint filed at Dkt. 524-4 shall be deemed filed as of the date of this Order.
2. The Times's request that its Exhibits at ECF Nos. 170–202 are incorporated by reference into its Second Amended Complaint is hereby GRANTED.

IT IS SO ORDERED.

DATED: _____, 2025

Hon. Sidney H. Stein
United States District Judge